

EXHIBIT

31

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August 7, 2025

Hon. Denise L. Cote
Judge, U.S. District Court, S.D.N.Y

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Re: *Avalon Holdings Corp. v. Gentile, 18-cv-7291 (DCL)*
New Concept Energy Inc. v. Gentile, 18-cv-8896 (DCL)

Your Honor:

Following up on my letter of July 23, 2025, wherein I stated that I was making inquiries, I have determined that publication in Dubai of the Notice of the pendency of a motion for the issuance of a bench warrant for the civil arrest of Guy Gentile did not take place.

Failure To Publish: I did not engage local counsel in Dubai, United Arab Emirates to assist me in placing the Notice as an advertisement in the Gulf News, an English language newspaper of general circulation published in Dubai. I incorrectly assumed that placement was a routine ministerial task requiring no special knowledge. This omission resulted in my being uninformed that under emirati practice a notice ordered by a foreign court may not be published within the United Arab Emirates without first obtaining permission of an emirati court. I did not apply for such permission and I did not supply such permission to the newspaper. Publication of the Notice did not happen and I was not aware of the non-publication prior to being questioned by Adam Ford, Mr. Gentile's attorney, on or about July 23, 2025. On becoming aware of the possibility I promptly notified the court by letter of that date. I again apologize for botching what I had thought to be a simple task requiring no special knowledge that now requires the court's attention.

Notice Given To Mr. Gentile By Three Other Alternative Methods: My failure to give notice by publication is mitigated by the three alternative and redundant methods successfully employed to give Mr. Gentile notice of the pendency of the motion for his civil arrest:

1. Notice to Mr. Gentile's attorney of record, Thomas Fleming;
2. Notice to Mr. Gentile's former attorney of record and continuing attorney in SEC litigation in Florida (21-cv-21079 S.D. FL) who is acting as the proponent of the forthcoming motion for sanctions, Adam Ford;
3. Notice posted on Mr. Gentile's social media accounts.

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August 7, 2025

Page 2

At the time of the filing of the motion for sanctions, I shall move for an order *nunc pro tunc* to have the Order For Alternative Service Of Papers of August 16, 2024, Docket Entry 331 (Avalon) include as additional means of service the three alternatives already successfully employed, each of which has ample precedent in this district.

Respectfully,

David Lopez

Cc: All Attorneys Of Record Via ECF
Adam Ford, Esq.